



PLANNING COMMISSION STAFF REPORT

File No.	GPT15-001
Applicant:	Director Initiated
Council District	City Wide
CEQA:	Envision San José 2040 General Plan Final Program EIR, and Addenda thereto

APPLICATION SUMMARY:

A Planning Director initiated General Plan Text Amendment request to increase Floor Area Ratio (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown land use designation.

RECOMMENDATION:

Planning staff recommends approval of the General Plan Text Amendment as it is consistent with the Major Strategies of the Envision San José 2040 General Plan for Focused Growth, Fiscally Strong City, and Destination Downtown and furthers the Goals and Policies of the General Plan with regard to Fiscal Sustainability, Measurable Sustainability, City Design, Housing, and Land Use.

PROJECT DESCRIPTION

The proposed text amendment request to increase the FAR would modify the text of the Downtown land use designation as follows in strikeout/underline format:

Downtown

Density: Up to 800 DU/AC; FAR Up to ~~15.0~~ 20.0 (3 to 30 stories)

This designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the *Envision General Plan* (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the “complete community” in downtown, support pedestrian and bicycle circulation, and increase transit ridership.

Residential projects within the Downtown designation should generally incorporate ground floor commercial uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified FAR range of up to ~~15.0~~ 20.0. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.

The Downtown Urban Design Policies speak to the urban, pedestrian-oriented nature of this area. As such, uses that serve the automobile should be carefully controlled in accordance with the Downtown Land Use Policies.

Text Reference:

Envision San José 2040 General Plan, Chapter 5 “Interconnected City”, Page 6, Land Use Designations, Downtown.

Site Location:

Text Amendment applicable to those properties within the boundary of Downtown and designated with the Downtown land use designation.

ANALYSIS**Envision San José 2040 General Plan Conformance**

The purpose of the increase in floor area ratio for the Downtown land use designation is to provide more flexibility in site layout and building design within the Downtown. Such flexibility would support development at high intensities in Downtown as intended in the designation.

Envision San Jose 2040 General Plan plans for over 10,000 new housing units and 48,500 new jobs in the Downtown. To accommodate this growth development in the Downtown must be built at maximum intensities where appropriate given Federal Aviation Administration (FAA) height restrictions. The City has continued to see market interest within the Downtown to accommodate a growing demand for urban housing and employment space in Silicon Valley. Staff has recently been in conversation with a developer considering a high rise proposal with FARs over what is currently allowed in the Downtown land use designation.

Development proposals maximizing their site could result in projects that would exceed the current limit of 15.0 FAR under the Downtown land use designation. For example, a project on a half-acre site with two stories of underground parking, and 25 stories of an average floor area of approximately 15,000 square feet, could result in a project with an FAR around 18, depending on design and location in the Downtown. Raising the FAR would allow high rise projects to maximize their intensity, consistent with the Downtown land use designation.

Development on properties located within the Downtown is currently, and will remain limited by a maximum building height set by the FAA. A FAR increase would allow more square footage for employment and residential use by providing increased flexibility in site layout and building design.

Providing for denser development within the Downtown is consistent with the Major Strategies of the 2040 General Plan, specifically;

- **Focused Growth Strategy** that aims to focus new jobs and housing into growth areas, including Downtown.
- **The Fiscally Strong City Strategy** that focuses new growth in developed areas where existing infrastructure is already available. Downtown has the best access to all modes of public transit as well as jobs and other services; and
- **Destination Downtown**, which supports continued growth in the Downtown to advance the Plan’s economic, fiscal, environmental, and urban design/placemaking goals.

The proposed increase in FAR within the Downtown will allow for the maximization of development needed to accommodate planned jobs and housing growth, and locate new housing and jobs closer to public transit, existing City services, culture, and entertainment, consistent with the following General Plan Policies:

***FS-4.7** Encourage transit-oriented development as a means to reduce costs for expansion and maintenance of our City's street system, in addition to other benefits and consistent with the General Plan Transportation goals and policies.*

***FS-5.2** Carefully consider the fiscal implications of land use decisions that result in service expansions to avoid significant negative fiscal impacts unless necessary to achieve other critical City objectives. Support the development of compact communities that reduce the demand for service expansions, facilitate more efficient service delivery and generate greater revenue per acre relative to cost for the City.*

***MS-14.1** Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.*

***CD-6.1** Recognize Downtown as the most vibrant urban area of San José and maximize development potential and overall density within the Downtown.*

***H-4.3** Encourage the development of higher residential densities in complete, mixed-use, walkable and bikeable communities to reduce energy use and green house gas emissions.*

***LU-3.1** Provide maximum flexibility in mixing uses throughout the Downtown Area. Support intensive employment, entertainment, cultural, public/quasi-public, and residential uses in compact, intensive forms to maximize social interaction; to serve as a focal point for residents, businesses, and visitors; and to further the Vision of the Envision General Plan.*

***LU-10.3** Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.*

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed General Plan Text Amendment does not propose any construction, demolition, or other activity that has the potential to negatively impact the environment. Although the Text Amendment would allow for an increase in the FAR on a particular site, the overall number of new jobs and new residential units constructed in the Downtown would not be increased beyond that which was analyzed in the Final Program EIR for the Envision San José 2040 General Plan, as well as the Final Program EIR for the Downtown Strategy 2000, without additional environmental review. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA.

PUBLIC HEARING NOTIFICATION



Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater.

(Required: Website Posting)

- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
(Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and Staff has been available to respond to questions from the public.

Project Manager: Jared Hart

Approved by:

Date:

10/27/15 

, Planning Official for Harry Freitas, Planning Director